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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/248,077
Filing Date: February 10, 1999
Appellant(s): LADD, DAVID J.

Scot L. Lowe
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/16/2008 appealing from the Office action mailed 10/19/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,765,998	Bruce	7-2004
6,351,771	Craddock	2-2202

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-16, 27-30 and 35-39 and 42-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruce et al., U.S. Patent No. 6,765,998[hereinafter Bruce] in view of Craddock et al., U.S. Patent No. 6,351,771[hereinafter Craddock]

As per claims 12, discloses a method for communicating with voice mailbox comprising the steps of:

receiving an information request (route guidance or route direction), and voice mailbox identification information in the form of a telephone number corresponding to the user's voice mail system from a wireless portable unit (12, 18) (see col. 2, lines 4-67 and col. 5, lines 65-67);

receiving device identification from a wireless device accessing an informational database with the information request (see fig. 1, element 72);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 23-39);

processing the text format with text-to-voice processor to generate an audio representation (see fig. 3 and col. 5, lines 23-39); and transmitting said audio representation to audio box (28)(see fig. 3 and col. 5, lines 23-39)

Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Craddock discloses distributed network service capable of transparently converting data formats in accordance client characteristics including transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device (col. 8, line 62 to col. 9, line 20). Furthermore, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device as taught by Craddock in order to enable Bruce's subscribers to listen the audio messages at subscriber's leisure.

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In considering 13, Bruce discloses the method of claim 12, wherein the information request contains plurality of geographic locations and the responsive information comprises driving direction between locations (see col. 7, line 66 to col.8, line 19).

In considering 14, Bruce discloses the method of claim 13, wherein said information database is mapping database providing driving direction in response to a query containing a geographic location (see col. 7, line 66 to col.8, line 19).

In considering claim 15, Bruce discloses the method of claim 13, wherein said text format information comprises driving directions see col. 7, line 66 to col.8, line 19).

In considering claims 16, Bruce discloses a system for accessing an informational database over a network through which the informational database is accessed includes Internet (see figs. 1 and 2, elements 110, 220 and col. 3, line 36 to col. 4, line 56).

As per claim 27, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);
an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50).

Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device.

Craddock discloses distributed network service capable of transparently converting data formats in accordance client characteristics including transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device (col. 8, line 62 to col. 9, line 20). , Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device as taught by Craddock in order to listen audio messages at subscriber's leisure.

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In considering claims 28-30, Bruce discloses a system, wherein the interface comprises a computer server (see figs 1, element 18).

In considering claim 35, Bruce discloses the method of claim 12, further comprising the steps of: recording the audio message in the mailbox (see col. 5, lines 40-57); and calling the voice mailbox using the wireless portable unit to retrieve the recorded audio representation(see col. 5, lines 40-57).

As per claim 36, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information,.

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Craddock discloses distributed network service capable of transparently converting data formats in accordance client characteristics including transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device (col. 8, line 62 to col. 9, line 20). Bruce, also suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA") (see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device as taught by Craddock in order to listen audio messages at subscriber's leisure.

In considering claims 37, 45, 50-51 and 56, Bruce discloses the method according to claim 36, wherein the first information or the query includes an identifier, which uniquely identifies the portable device (see col. 6, lines 14-25)..

In considering claim 38-39, 46-47, 52- 53, 57, Bruce further discloses the method according to claim 36, wherein the first information includes plurality of geographic

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location addresses and the second information includes driving directions and wherein the informational database is a mapping database and second information includes driving directions (see fig. 3 and col. 5, lines 23-57)

As per claim 44, Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein voice mailbox is remote from the wireless portable device (see col. 2, lines 61-67).

Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information.

Craddock discloses distributed network service capable of transparently converting data formats in accordance client characteristics including transmitting said audio

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representation to voice mailbox identified by said voice mailbox identification information (col. 8, line 62 to col. 9, line 20). , Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by said voice mailbox identification information as taught by Craddock in order to listen audio messages at subscriber's leisure.

In considering claim 42-43, and 48, and 58, Bruce disclose the method according to claim 36, for accessing an informational database over a network, through which the informational database is accessed includes Internet (see fig. 3 and col. 5, lines 23-57).

As per claims 49 and 55 Bruce discloses a system for communicating with voice mailbox comprising the steps:

a call center (i.e., an operator) for accepting an information request (see col. 3, lines 27-45) and voice mail identification from wireless portable unit (see col. 2, lines 48-67);

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an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database (see fig. 3 and col. 5, lines 22-50);

accessing an informational database with the information request (see fig. 3 and col. 5, lines 22-50);

receiving from the informational database text format information in response to the request (see fig. 3 and col. 5, lines 22-50);

Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information,.

Craddock discloses distributed network service capable of transparently converting data formats in accordance client characteristics including transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device (col. 8, line 62 to col. 9, line 20). , Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by

said voice mailbox identification information, as taught by Craddock in order to listen audio messages at subscriber's leisure.

In considering claim 54, Bruce discloses the method according claim 49, wherein said step of accessing the information database occurs over the Internet (see fig. 1).

In considering claim 59, Bruce discloses the system of claim 27, wherein the wireless portable is cellular phone (see fig. 1, element 12).

(10) Response to Argument

Regarding claims 12, 26 and 49.

(A) Applicant alleges "there is no showing or suggestion in Bruce that the voice mail message would be stored in a voice mail box, the voice mail box would correspond to a telephone number of a voice mail system associated with the person desiring travel direction" (see page 13, paragraph 1).

With respect (A) examiner respectfully disagrees because Bruce discloses a system for providing driving directions to callers seeking assistance (see the abstract and fig. 1) including user interface which provides a convenient mechanism for callers to obtain the route instructions, as well as other information over the telephone. As shown in fig. 1 are telephone subscriber or caller 12, seeking assistance for travel directions, a gateway 26 interface that receives driving route instructions generated from the routing database 24. The gateway 26 interface translates the text route directions to audio format and transmits the audio/voice information to an audio box 28 so that the subscriber can retrieve the audio information as necessary (see fig. 1, elements 12 and

28 and col. 3, lines 17-45). Here Bruce is silent regarding the audio box would correspond to a telephone number of a voice mail system associated with the person desiring travel direction". However, Bruce suggested the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA")((see col. 3, lines 30-45).

Furthermore, it seems the appellant responses are only directed the automated interactive voice response feature of Bruce's system without considering the alternative mechanism where Bruce describes the caller may receive the driving or route instructions in a variety of different ways including a voice mail system or pager or telephone. In this feature, Bruce teaches the route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA").

Although it can be argued that Bruce reference did not provide the details of how the caller may receive the driving or route instructions in a voice mail box that correspond to a telephone number of a voice mail system associated with the person desiring travel direction, however, such details would have been an obvious modification if not inherent to Bruce's system as suggested by Craddock. Craddock discloses contacting a user agent which stores user information including services to which the user is subscribed

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and preferences set by the user. The preferences include subscribing or requesting text data such as stocks where the text data would be provided in a synthesized voice message in a voice mail box (see col. 8, line 62 to col. 9, line 20). For example, Craddock teaches if a user wishes to access a web page from an analog voice telephone, transducer matrix switch 48 can employ an HTML to ASCII transducer to receive the HTML definition of the web page and to convert it to ASCII text which would then be passed to a text to speech transducer 46 to convert that ASCII text to speech that the user can receive on their telephone(see col. 7, lines 56-64). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Bruce to utilize the voice communication mechanism such transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device as taught by Craddock in order to enable Bruce's subscribers to listen requested audio messages at subscriber's leisure.

(B) Appellant alleges Craddock references does not show sending an audio representation of a text format to a voice mailbox identified by voice mailbox identification information where the voice mailbox is remote from a wireless portable unit as recited in claim 12.

With respect (B) in contrary to appellant's assertion Craddock references does show sending an audio representation to a voice mail box. (see col. 8, line 62 to col. 9, line 20 and col. 7, lines 56-64, where a subscriber requests text data such as stocks where

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the text data would be provided in a synthesized voice message in a voice mailbox).

Furthermore, Craddock teaches if a user wishes to access a web page from an analog voice telephone, transducer matrix switch 48 can employ an HTML to ASCII transducer to receive the HTML definition of the web page and to convert it to ASCII text which would then be passed to a text to speech transducer 46 to convert that ASCII text to speech that the user can receive on their telephone (see col. 7, lines 56-64).

(C) As per claims 36, and 49 the Appellant argues the claims include "transmitting the second information to a telephone number of a mail system associated with the person desiring travel direction" and are allowable for at least the reasons provided above with respect to claim 12.

With respect to (C) regarding claims 36, and 49 Bruce discloses transmitting the second information (i.e., the audio data) to an audio box (28) and the same argument presented above with respect to claim 12 is applies.

Regarding claims 27, 44 and 55

(D) As to claim 27 appellant alleges "as discussed above in connection with claim 12, Bruce does not include transmitter for providing responsive information to a voice mailbox identified by voice mail identification information"

As to (D) Examiner respectfully disagrees because Bruce discloses a transmitter (i.e., a gateway 26) that receives driving route instructions generated from the routing database 24. The gateway 26 interface translates the text route directions to interface the route directions to the audio box 28. For example, the route instructions may be

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generated in a text format that the gateway 26 interface translates to a data format appropriate for the audio box 28. Bruce also suggests the caller may receive the driving or route instructions in a variety of different ways including communicating directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA").

Additionally, although Bruce did not provide details such as the voice mail box would correspond to a telephone number of a voice mail system associated with the person desiring travel direction, however, such details would have been an obvious modification if not inherent to Bruce's system as suggested by Craddock. Craddock discloses contacting a user agent which stores user information including services to which the user is subscribed and preferences set by the user. The preferences include subscribing or requesting text data such as stocks where the text data would be provided in a synthesized voice message in a voice mail box associated with subscriber (see col. 8, line 62 to col. 9, line 20). For example, Craddock teaches if a user wishes to access a web page from an analog voice telephone, transducer matrix switch 48 can employ an HTML to ASCII transducer to receive the HTML definition of the web page and to convert it to ASCII text which would then be passed to a text to speech transducer 46 to convert that ASCII text to speech that the user can receive on their telephone (see col. 7, lines 56-64).

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(E) As per claims 44, and 45 the Appellant argues the claims include "transmitter to the second information to a telephone number of a mail system associated with the person desiring travel direction" and are allowable for at least the reasons provided above with respect to claim 12.

With respect to (C) regarding claims 36, and 49 Bruce discloses transmitter (i.e., audio gateway 26 the second information (i.e., the audio data) to an audio box (28) and the same argument presented above with respect to claim 27 is applies.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Salad Abdullahi/
Primary Examiner, Art Unit 2157

Conferees:

/Ario Etienne/

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/saleh najjar/

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